

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WAH SING (US) TRADING)
LIMITED, LLC D/B/A EASYBIT,) Civil Action
Plaintiff,) No. 1:16-cv-0504-SCJ
DEDRIC DUNCAN,)
Defendant.)

ANSWER TO COUNTERCLAIM

COMES NOW Plaintiff Wah Sing (US) Trading Limited, LLC d/b/a EasyBit (“Plaintiff” or “EasyBit”), by and through undersigned counsel, and hereby files its Answer to Defendant’s Counterclaim for Declaratory Judgment (the “Counterclaim”) in the above-captioned action. In pleading the following defenses, Plaintiff does not assume the burden of proof on any such defenses except as required by applicable law.

FIRST DEFENSE

The Counterclaim fails to state a claim against Plaintiff, in whole or in part, on which relief can be granted.

SECOND DEFENSE

Defendant lacks standing to pursue a claim for a declaratory judgment in this action.

THIRD DEFENSE

Plaintiff responds to the separately numbered and unnumbered paragraphs in the Counterclaim as follows:

1.

In this paragraph of the Counterclaim, Defendant alleges “the admitted facts from the Plaintiff’s complaint.” As such, no response from Plaintiff is necessary or appropriate.

2.

In response to paragraph 2 of the Counterclaim, Plaintiff admits that this Court has subject matter jurisdiction over the Counterclaim and personal jurisdiction over Plaintiff as to it, and Plaintiff denies the remaining allegations in this paragraph.

3.

In response to paragraph 3 of the Counterclaim, Plaintiff admits that Defendant has alleged that venue of the Counterclaim is here, and Plaintiff denies the remaining allegations in this paragraph.

4.

Plaintiff denies the allegations in paragraph 4 of the Counterclaim.

5.

In response to paragraph 5 of the Counterclaim, Plaintiff admits that Defendant contends that his employment agreement with Plaintiff should be interpreted under Alabama law, but Plaintiff disputes this contention.

6.

In response to paragraph 6 of the Counterclaim, Plaintiff admits that Defendant seeks a declaratory judgment pursuant to O.C.G.A. § 9-4-1, *et seq.* or 28 U.S.C. § 2201(a), but Plaintiff denies that Defendant is entitled to any such relief.

7.

In response to paragraph 7 of the Counterclaim, Plaintiff admits that Defendant seeks a declaration of his rights, obligations, and legal relations between himself and Plaintiff, but Plaintiff denies that Defendant is entitled to any such relief and that he has any rights as to Plaintiff's present or former customers or as to ownership of EasyBit Alabama, LLC.

8.

Plaintiff denies the allegations in paragraph 8 of the Counterclaim.

9.

In response to Defendant's unnumbered prayer for relief, which appears to cover both his Answer and the Counterclaim, Plaintiff denies that Defendant is entitled to any relief, of any kind or nature, in this action, including a declaratory judgment as alleged in subparagraphs b) and c) of this prayer for relief.

10.

Plaintiff denies each and every allegation in the Counterclaim that is not expressly and unequivocally admitted above.

WHEREFORE, having fully answered the Counterclaim, Plaintiff respectfully requests that:

- a. the Counterclaim, and all of Defendant's claims for relief, be dismissed with prejudice;
- b. judgment be entered in favor of Plaintiff and against Defendant on the Counterclaim;
- c. Plaintiff be awarded its attorney's fees, expenses, and other costs of suit in connection with the Counterclaim; and
- d. Plaintiff be granted such other and further relief to which it is entitled.

Respectfully submitted, this 6th day of April, 2016.

/s/ Michael Eric Ross

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Counsel for Plaintiff

LOCAL RULE 7.1D CERTIFICATION

I hereby certify that the foregoing complies with the font and point requirements of LR 5.1, to wit, this brief was prepared in Times New Roman font, 14-point type.

TAYLOR ENGLISH DUMA LLP

/s/ Michael Eric Ross
Michael Eric Ross
Ga. Bar No. 615190

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO COUNTERCLAIM was filed with the Clerk of Court using the CM/ECF system which will automatically send an e-mail notification of such filing to the following counsel of record:

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Counsel for Defendant

This 6th day of April, 2016,

/s/ Michael Eric Ross
Michael Eric Ross
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